

## SUMMARY STATEMENT

*State of Idaho v. Benjamin J. Dahl*, Docket Nos. 44003 & 44004

In a case arising out of Canyon County, the Court of Appeals affirmed the decision of the district court denying Benjamin J. Dahl's motion to suppress evidence.

Before trial, Dahl moved to suppress the evidence found during a search of his bedroom. The district court denied the motion. On appeal, Dahl asserted the evidence must be suppressed because his bedroom would not have been searched but for the officer's unlawful entry into his home and the consent to search was not sufficiently attenuated from this unlawful entry. Dahl also argued the State did not meet its burden of establishing the validity of Dahl's or his mother's consent to search or that such consent was voluntary.

The Idaho Court of Appeals held that Dahl's consent for the officer to enter and search his bedroom, and the discovery of the resulting evidence, was not the direct or indirect result of the officer's unlawful entry into the home and the State established that Dahl and his mother consented to a search. The issue of whether consent was voluntary was not preserved for appeal. Therefore, the district court did not err in denying Dahl's motion to suppress.